

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

TWERANCE SHELTON

PLAINTIFF

VS.

NO. 2:03CV00055 JTR

JO ANNE B. BARNHART,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act ("EAJA") and a Memorandum in Support (docket entry #12). Defendant has not responded. For the reasons set forth herein, the Motion will be granted.

On April 23, 2003, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") denying him social security benefits (docket entry #2). On June 30, 2003, the Court entered an Order (docket entry #8) that remanded the case to the ALJ pursuant to sentence six of 42 U.S.C. § 405(g). On March 23, 2005, the Court entered an Order and Judgment (docket entries #10 and #11) dismissing this case, because Defendant agreed to pay benefits to Plaintiff.

On March 30, 2005, Plaintiff's attorney, Mr. Anthony W. Bartels, filed a Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the EAJA. In this Motion, Mr. Bartels seeks payment for 13.85 hours of work performed by an attorney, 8.90 hours of work performed by a paralegal, and reimbursement for \$109.43 in expenses. Pursuant to an agreement between The Bartels Law Firm and the Office of General Counsel of the Social

Security Administration (*see* Attachment to Exhibit A, Docket entry #12), Mr. Bartels is seeking payment for attorney time as follows: (1) 1.35 hours of work performed during 2003 at the adjusted hourly rate of \$147; and (2) 12.50 hours of work performed during 2004-05 at the adjusted hourly rate of \$152. Mr. Bartels also seeks payment for 8.90 hours of paralegal time at the rate of \$65 an hour, and \$109.43 in expenses. Defendant has not filed a Response objecting to the Motion, which has been pending for over three months, and the time for doing so has long since expired.

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of fees and expenses under the EAJA, and that the amount requested by Plaintiff's attorney is reasonable. Accordingly, Plaintiff's attorney shall receive a total award of \$2,786.38, which includes: (1) 1.35 hours of attorney time at the rate of \$147.00 per hour (\$198.45); (2) 12.50 hours of attorney time at the rate of \$152.00 per hour (\$1,900.00); (3) \$578.50 in paralegal fees; and (4) \$109.43 in expenses.

IT IS THEREFORE ORDERED that Plaintiff's Motion for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (docket entry #12) is hereby GRANTED.

IT IS FURTHER ORDERED that the Commissioner shall certify and pay to Mr. Anthony W. Bartels, attorney for Plaintiff, \$2,786.38, which has been awarded as fees and expenses pursuant to the EAJA.

DATED this 18th day of July, 2005.


UNITED STATES MAGISTRATE JUDGE